

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSE CENTENO,

Plaintiff,

- against -

NYC, HHC, KCH, et al.
(New York City Health and Homecare/Health
and Hospital Co., Kings County Hospital, et al.)

Defendants.

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DEARIE, District Judge.

ORDER

02 CV 2745 (RJD) (LB)

The Court has received the Report and Recommendation of Magistrate Judge Lois Bloom, dated March 23, 2005. The Court has also received plaintiff's objections to the Report and Recommendation and defendants' reply to plaintiff's objections. For the reasons stated below, this Court adopts Magistrate Judge Bloom's recommendation and grants defendants' motion for summary judgment.

Whether plaintiff has established a prima facie case is admittedly a close question. But the question need not be answered because plaintiff fails to tender any evidence of pretext. No material issue of fact is in dispute and no rational juror could find in plaintiff's favor on his complaint.

The Report and Recommendation is adopted. Defendants' motion for summary judgment is granted and plaintiff's complaint is dismissed. The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Brooklyn, New York
May ___, 2005

RAYMOND J. DEARIE
United States District Judge